



February 25, 1993

Mr. Carlton Patton
U.S. EPA Region 6
First Interstate Bank Building
1445 Ross Avenue, Suite 1000
Dallas, TX 75202-2377

Re: West Dallas Lead Site
Slag Pile Ownership Survey
Work Assignment No. C06010

Dear Mr. Patton:

This letter reports the results of our recent ownership survey conducted on three (3) properties as you requested. The current owners of two of the properties have been determined, while, due to part of the property lying in an abandoned road, the ownership of the third property is currently under research. All ownership information was obtained, as per your instructions, from the Dallas County tax records.

The following reference scheme will be used throughout this letter to refer to each of the properties. Because of the site numbering scheme used by the Texas Water Commission, there is no Site 2 included with this report:

Site 1: Westmoreland Rd. Property
Site 3: Walton Walker Property
Site 4: Claibourne Rd. Property

933143



Site 1

Site 1 is located in the 1000 block of North Westmoreland Road, about 530 feet north of Fort Worth Avenue (State highway Loop 260). A 1.219 acre portion owned by Texas Utilities Electric Company forms the southern portion of the site, and is referred to as Tract 7 of the City of Dallas Block 4152. The tax address for this tract is 1011 North Westmoreland.

The northern portion consisting of about 5.08 acres is part of three tracts owned by Dallas Baptist University. This portion of the site is referred to as Tract 1 of the City of Dallas Block 4152. Adjacent tracts in this city block owned by Dallas Baptist University are Tract 6 (1.012 acres) and Tract 6.1 (14.972 acres). The tax address for the northern portion of the site owned by Dallas Baptist University is 1021 North Westmoreland.

The addresses of the owners are as follows:

| | |
|------------------------------|---------------------------|
| Texas Utilities Electric Co. | Dallas Baptist University |
| Property Tax Department | 7777 West Kiest Blvd. |
| 2001 Bryan Tower, Rm. 2035 | Dallas, TX 75211 |
| Dallas, TX 75201 | |

Tax assessments and plat maps for 1992 are attached to this report.

Site 3

Site 3 consists of 5 tracts which were difficult to locate in the tax records due their remote location on an unnamed road. With diligent research at the Dallas Central Appraisal District office, we were able to obtain the current tax information for the site. One of the plats obtained at the tax office noted that a landfill agreement had, at one time, been in effect for the northern portion of the property. The landfill agreement was between Texas Industries, Inc. (current owner of the northern portion), and the City of Dallas. This portion of the site is referred to on the plat of Dallas County Abstract 610 as Tract 8, which consists of 13.118 acres. A copy of this landfill agreement is included with this report.

The southern portion of the site consists of 4 tracts owned by the same entity, Trinity Development Liberty Land Company, all in City of Dallas Block 8334. Tract 2 consists of 42.274 acres , and includes property which is the Dallas Power & Light Company easement noted on the plat, while Tract 6 encompasses 33.41 acres to the east of Tract 2. Tract 6.1 consists of 8.17 acres , while Tract 4 includes 3.52 acres, which, according to the plat, once belonged to the Dallas City & Water Control District No.4. The following are the addresses of the owners of properties which comprise Site 3:

Texas Industries, Inc.
Suite 200
7610 Stemmons Freeway
Dallas, TX 75247

Trinity Development
Liberty Land Company
% United Southwest
3260 North Hayden, Suite 102
Scottsdale, AZ 85251

Tax assessments and plat maps for 1992 are attached to this report.

As stated earlier, the ownership information for Site 4 will be submitted as soon as the question of the ownership of the abandoned public road is resolved. If you have any questions or comments that require immediate attention, please feel free to call me.

Sincerely,



Harold L. Pruitt
Associate

Enclosures

cc: Steve Sanders, M&E
Wallace O'Rear, M&E
John Shriwise, DPRA
File 3732.549

SITE 1

MCIS20
ACCT # 00000306976000000

TAX ROLL YEAR 1992
LEGAL DESCRIPTION

02/22/93

OWNERS NAME/ ADDRESS
DALLAS BAPTIST UNIV ETAL

BLK 4152
TR 1 ACS 5.08
WESTMORELAND 658.85FR FT WORTH AV
VOL92052/2284 EF122490 CO-DALLAS
ACREAGE

7777 W KIRST BLVD
DALLAS

TX 752110000 4152 000 00100 2004152 000

MARKET VALUES

IMP
LAND 5080
MARKET 5080
SPEC ASMT

PROPERTY ADDRESS
1021 N WESTMORELAND RD
CITY DALLAS

TAXABLE VALUES

COUNTY 5080
CITY 5080
SCHOOL 5080
HOSPITAL 5080
COLLEGE 5080
SPECIAL 1
SPECIAL 2
CED 5080

EXEMPTION FLAGS

AG ADJ DV PCT
HS SS
DB TOTAL CD
FROZEN TAXES
FRZ DATE

PRESS (PF1) SEARCH MENU (PF2) COMMERCIAL MENU (PF7) SUMMARY (PF8) HISTORY

MCIS07

ACCOUNT SUMMARY

02/24/93

NOTE: THIS ACCOUNT CONSISTS OF 1 PARENT AND

CHILD ACCOUNTS

ACCOUNT NUMBER

PROPERTY ADDRESS

00000306976500000

1011

N WESTMORELAND

RD

DA

MAPSCO 43-X

OWNER TEXAS UTILITIES ELEC CO

LEGAL

BLK 4152

TR 7

ADDRESS % PROPERTY TAX DEPT

1.219 AC

530.25FR FT WORTH AVE

2001 BRYAN TOWER 2035

CITY/STATE DALLAS

TX

CO-DALLAS

ZIP CODE 75201

4152 000

007 2DA4152 000

FLAG

MARKET

ADJUSTED

ZONING DIMENSIONS

PRICE

PRICE

ADJUST

UNIT

PRICE

TOTAL VALUE

MF-2A 1219

FP

10,169.00

10,169

*** 1992 CERTIFIED VALUES ***

TOTAL IMP VALUE

AGENT/FIRM

TEXAS UTILITIES ELECTRIC

TOTAL LAND VALUE

10,170

MARKET VALUE

10,170

DATE OF SALE

PRESS (PF1) SEARCH MENU (PF2) COMMERCIAL MENU (PF3) NEXT SCREEN

SITE 3

STATE OF TEXAS
COUNTY OF DALLAS

KNOW ALL MEN BY THESE PRESENTS:

73-1551
THAT TEXAS INDUSTRIES, INC., a Delaware Corporation, owner of the hereinafter described property (hereinafter "Licensor"), does hereby give unto the CITY OF DALLAS, TEXAS, a municipal corporation, the license and right to enter upon and use the following described property lying and being situated in Dallas County, Texas, for the purpose of depositing, dumping and disposing of municipal solid wastes thereon, to-wit:

BEING the land described on Exhibit "A" attached hereto and made a part hereof and more particularly described as follows:

BEING out of the James Horton Survey, Abstract No. 610, Dallas County, Texas, and being a part of "Tract 2" acquired by Texas Industries, Inc., a Delaware Corporation by the following deeds:

1. Deed from Texas Construction Company, a Corporation, for an undivided one-half interest, dated April 25, 1969, and recorded in Volume 69087, Page 1641, Deed Records of Dallas County, Texas;
2. Deed from B. Hick Majors, an individual, for an undivided one-quarter interest, dated May 9, 1969, and recorded in Volume 69119, Page 1958 of said Deed Records;
3. Deed from Arcadia Corporation, a Delaware Corporation, for an undivided one-fourth interest, dated May 31, 1969 and recorded in Volume 69168, Page 1190, of said Deed Records;

and also being all of the property described in a quit-claim deed from Preston Smith, Governor of the State of Texas, to said Texas Industries, Inc., dated September 14, 1972, and recorded in Volume 73039, Page 0101, of said Deed Records, and being more particularly described as follows:

BEGINNING at the intersection of the south line of the James Horton Survey, Abstract No. 610, Dallas County, Texas, with the present west right-of-way line of Ledbetter Drive, a point for corner;

THENCE North 88°17' West along the South line of the said James Horton Survey, a distance of 1706.0 feet to a point for corner;

THENCE due North, a distance of 817.0 feet to a point for corner;

THENCE South 55°07' East, a distance of 769.8 feet to a point for corner;

THENCE North 58°28' East, a distance of 820.8 feet, more or less, to the northwest corner of the "Second Tract" of land described in a deed to T. A. Hester and M. W. Staples, Trustees, as recorded in Volume 584, Page 1243, Deed Records of Dallas County, Texas;

THENCE in a southerly direction along the common line between Texas Industries, Inc., and the said "Second Tract" of land, a distance of 409.83 feet, more or less, to the southwest corner of the said "Second Tract" of land;

THENCE North 60°22'40" East along a northwest line of a tract of land described in a deed to Texas Industries, Inc., as recorded in Volume 73039, Page 0101, Deed Records of Dallas County, Texas, a distance of 90.19 feet, more or less, to a northeast corner of the last mentioned tract of land, said northeast corner being on the present west right-of-way line of Ledbetter Drive;

THENCE South 5°22'44" West along the present west right-of-way line of Ledbetter Drive, a distance of 191.19 feet to a point for corner; *E.L.S.*

THENCE South 21°30'20" East, continuing along the present west right-of-way line of Ledbetter Drive, a distance of 241.74 feet to a point for corner;

THENCE South 71°30'20" East, continuing along the present west right-of-way line of Ledbetter Drive, a distance of 242.0 feet to the place of beginning and containing approximately 19.936 acres of land.

This license is given upon the following terms and conditions:

1. The City of Dallas shall have the right to dispose of "Municipal Solid Wastes" (as defined in Section A-4, Definition of Terms, of the Municipal Solid Waste Rules, Standards, and Regulations of the Texas State Department of Health) effective date Nov. 5, 1970 upon the above described property, except that the City of Dallas will not, under the terms of this Agreement, dispose of any abandoned automobiles, metal objects with any dimension greater than 2-1/2 feet, such as motor blocks, refrigerators, stoves, etc., or construction refuse with any dimension greater than 2-1/2 feet, such as concrete slabs or reinforced blocks, on the above described property. It is understood and agreed that the City of Dallas shall conduct disposal operations in accordance with the Municipal Solid Waste Rules, Standards, and Regulations of the Texas State Department of Health to include covering all filled areas on the above described property with a final cover of at least twenty-four (24) inches of compacted soil.
2. The consideration to be received by Licensor for the rights herein granted to the said City of Dallas is the enhancement which will accrue to the above described property as a result of the City's disposal operation in connection therewith.
3. This Agreement shall commence on the date that it is accepted by the City Council of the City of Dallas and shall extend for a period of two and one-half (2-1/2) years thereafter unless sooner terminated at an earlier date mutually agreed upon by both parties. It is understood that the City of Dallas will ^{immediately} initiate preparation of the site upon approval of the Agreement by the City Council of the City of Dallas and initiate actual filling operations upon approval of the Texas State Department of Health.
4. The City of Dallas stipulates and covenants that it will indemnify and hold Licensor harmless from any claims for damages, either to persons or property, made by the employees, agents, contractor or contractors of the City of Dallas arising out of or in connection with the City's operation on said property.
5. The City of Dallas hereby agrees that within the term of this Contract, it will complete fill and cover operations on the property in accordance with the terms of this Agreement, and in so doing will utilize the " " on the property and will not haul any soil off of the property. The City of Dallas hereby agrees that it will conduct its fill and cover operations on the above described property so that the property will gradually slope in a westerly direction and drain into Mountain Creek, and, if necessary, drain into the drainage ditch to the south of the property.

In addition, the City of Dallas shall grade the property so that (a) no point on the property is higher than 460 feet above sea level and (b) the property gradually slopes in a westerly direction with no part of the property lower than 440 feet above sea level.

6. Licensor warrants that it has good and indefeasible title to the land described in Exhibit "A", and in the event that any third part claims superior title to said property and said claim is either settled or adjudicated in favor of said third party, after all rights or appeal have been waived or exhausted, then Licensor agrees to indemnify and hold harmless City of Dallas from and against any loss or damage suffered by City of Dallas in connection with said third party's interference with City of Dallas' right to continue its landfill operations under this Agreement.

7. In the event that the City of Dallas fails to perform in conformity with the terms and conditions of this Agreement, Licensor shall be entitled to specific performance or to any other remedy at law or in equity.

8. It is understood and agreed by and between the parties hereto, that this instrument shall be placed of record to give notice to any interested party and to subsequent purchasers thereof regarding the nature and content of the soil on and near the surface, so that any use that is made of the same in the future shall be with full knowledge by the user and/or purchaser thereof. The City of Dallas hereby disclaims any and all liability occasioned by the use of these premises subsequent to the making of the sanitary fill and the disposal operations, and each and every user of the premises hereafter does so at his own risk and with full knowledge of the nature of the premises. The disposal operations by the City are at the specific request of Licensor, and City makes no representations as to the condition of the soil or any use which may be made of the property after the disposal operations have been completed.

EXECUTED THIS THE 16 DAY OF April, A.D., 1973.

ATTEST:

CITY OF DALLAS

Harold G. Shank
HAROLD G. SHANK, City Secretary

By George R. Schrader
GEORGE R. SCHRADER, City Manager

COUNTERSIGNED:

E. Lynn Crossley
E. LYNN CROSSLEY, City Auditor

APPROVED AS TO FORM:
N. ALEX BICKLEY, City Attorney

By James W. Schaffner
Assistant City Attorney

LICENSOR:
TEXAS INDUSTRIES, INC.

Robert C. Moore
Secretary

By Richard C. Brown
Vice President

BLOCK 8334

N. 88° 17' W. 1706.0

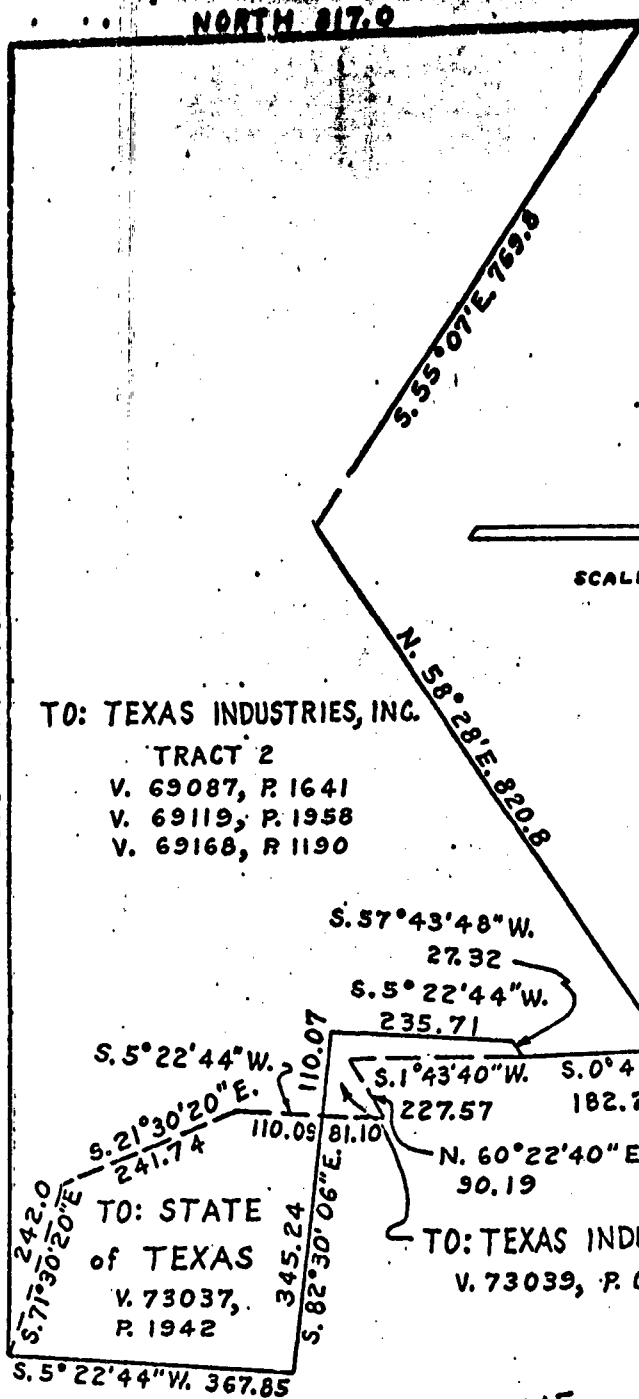


EXHIBIT "A"

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared GEORGE R. SCHRADER, City Manager of the City of Dallas, a municipal corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of the City of Dallas, for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 24th DAY OF April, A.D., 1973.

L. M. Otto
NOTARY PUBLIC IN AND FOR DALLAS COUNTY, TEXAS.

STATE OF Texas
COUNTY OF Dallas

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Richard C. Bower, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation, and that the corporate seal affixed to said instrument is the corporate seal of TEXAS INDUSTRIES, INC.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 10th DAY OF April, A.D., 1973.

Nancy L. Rhoades
NOTARY PUBLIC IN AND FOR DALLAS COUNTY, TEXAS.

NANCY L. RHOADES, Notary Public
in and for Dallas County, Texas
My Commission Expires June 1, 1973

PAGE
73083 1138

FILED
Tom E. Ellis
 COUNTY CLERK
 DALLAS COUNTY

'73 APR 25 PM 3:10

STATE OF TEXAS COUNTY OF DALLAS
 I hereby certify that this instrument was
 filed on the date and time stamped herein
 by me and was duly recorded in the volume
 and page of the named records of Dallas
 County, Texas as stamped herein by me.

APR 26 1973

 *Tom E. Ellis*
 COUNTY CLERK, Dallas County, Texas

NO. 195
 RETURN TO CITY SECRETARY
 200 CITY HALL, DALLAS

73-1551

VOL. PAGE
 73083 1139

550

APR-26-73 574093 VD-LS



DALLAS COUNTY TAX OFFICE
DAVID CHILDS, TAX ASSESSOR/COLLECTOR
RECORDS BUILDING PHONE: 653-7811

DALLAS, TEXAS 75202-3504

U C S A T A X C O L L E C T I O N EXIT...

Account No 65061018010080000

Type Real Property

Property Owner

TEXAS INDUSTRIES INC

SUITE 200

7610 STEMMONS FWY

DALLAS

TX 75247

-----Legal Description-----

J HORTON SUR ABST 610 PG 180

TR 8 ACS 13.118

CO-DALLAS

0610180100800

28006101801

-----Property Address-----City

NT

Cur YR Orig Levy \$183.03

Cur YR Levy Adjs

Cur YR Total Pymts \$183.03

Cur YR Total Due

-----Value Info for 1992 -----

Improvements

Land 39,350

1992 LIEN

WEBB CDOLEY CO INC #900130

Total Assessed 39,350

---Jurisdictions Taxing Account---

DC NT LS PH DO DCS

F4=DeqStmt F5=CurStmt F6=NxtOwn

F8=LstSrn F9=Menu

F1=Search F2=NxtAcct F3=PrvAcct F12=Comments F13=OwnHist

F10=SysExt

MCIS07 ACCOUNT SUMMARY 02/24/93
NOTE. THIS ACCOUNT CONSISTS OF 1 PARENT AND CHILD ACCOUNTS
ACCOUNT NUMBER 000000202963000000 9 NO NAME ST DA
PROPERTY ADDRESS MAPSCO 42-T

OWNER TRINITY DEVELOPMENT JV LEGAL BLK 8334 TR 2
ADDRESS % UNITED SOUTHWEST 42.274 AC
3260 N HAYDEN SUITE 102 INSIDE DP & L RW 459.8FR DAVIS
ITY/STATE SCOTTSDALE AZ VOL84117/3890 CO-DALLAS
ZIP CODE 85251 8334 000 002 2DA8334 000
ZONING DIMENSIONS FLAG MARKET ADJUSTED
LC 1841455 SQ PRICE PRICE ADJUST UNIT PRICE TOTAL VALUE
0.50 - 60 368,291

*** 1992 CERTIFIED VALUES ***
TOTAL IMP VALUE AGENT/FIRM
TOTAL LAND VALUE 368,290
MARKET VALUE 368,290 DATE OF SALE

PRESS (PF1) SEARCH MENU (PF2) COMMERCIAL MENU (PF3) NEXT SCREEN

MCIS07

ACCOUNT SUMMARY

02/24/93

NOTE: THIS ACCOUNT CONSISTS OF 1 PARENT AND

CHILD ACCOUNTS

ACCOUNT NUMBER

PROPERTY ADDRESS

00000802939000000

8334

W DAVIS

ST

DA

MAPSCO 52-A

| | | | |
|------------|-------------------------|-------|--------------------------|
| OWNER | TRINITY DEVELOPMENT | LEGAL | BLK 8334 |
| ADDRESS | % UNITED SOUTHWEST | TR 6 | 33.481 ACS |
| | 3260 N HAYDEN SUITE 102 | | |
| CITY/STATE | SCOTTSDALE | AZ | VOL84136/6471 |
| ZIP CODE | 85251 | | 8334 000 006 2DA8334 000 |
| | | | CO-DALLAS |
| | | | |
| ZONING | DIMENSIONS | FLAG | MARKET |
| R 7 5 | 1458432 | SQ | ADJUST |
| | | | UNIT |
| | | PRICE | PRICE |
| | | 0.13 | TOTAL VALUE |
| | | | 107,596 |

*** 1992 CERTIFIED VALUES ***

TOTAL IMP VALUE

AGENT/FIRM

TOTAL LAND VALUE

189,600

MARKET VALUE

189,600

DATE OF SALE

PRESS (PF1) SEARCH MENU (PF2) COMMERCIAL MENU (PF3) NEXT SCREEN

MCIS07

ACCOUNT SUMMARY

02/24/93

NOTE: THIS ACCOUNT CONSISTS OF 1 PARENT AND

CHILD ACCOUNTS

ACCOUNT NUMBER

PROPERTY ADDRESS

00000502939000100

T

W DAVIS

ST

DA

MAPSCO 52-A

OWNER TRINITY DEV LIBRTY LND CO LEGAL BLK 8334
ADDRESS % UNITED SOUTHWEST TR 6.1 8.17 ACS

3260 N HAYDEN SUITE 102

CITY/STATE SCOTTSDALE

AZ

VOL84136/6471

CO-DALLAS

ZIP CODE 85251

8334 000 006 2DA8334 000

FLAG

MARKET

ADJUSTED

ZONING DIMENSIONS PRICE

PRICE

ADJUST

UNIT

PRICE

TOTAL VALUE

R 7 5 355885

SQ

0.13

46,265

*** 1992 CERTIFIED VALUES ***

TOTAL IMP VALUE

AGENT/FIRM

TOTAL LAND VALUE

46,270

MARKET VALUE

46,270

DATE OF SALE

PRESS (PF1) SEARCH MENU (PF2) COMMERCIAL MENU (PF3) NEXT SCREEN

MCIS07

ACCOUNT SUMMARY

02/24/93

NOTE: THIS ACCOUNT CONSISTS OF 1 PARENT AND

CHILD ACCOUNTS

ACCOUNT NUMBER

PROPERTY ADDRESS

00000802942000000

1

WALTON WALKER

BLVD

DA

MAPSCO 52-A

OWNER TRINITY DEVELOPMENT

LEGAL BLK 0334

ADDRESS % UNITED SOUTHWEST

ACS 3.52 LOOP 12 TO D P TR 4

~~3260 N HAYDEN SUITE 402~~~~AND L RW~~

CITY/STATE SCOTTSDALE

AZ

VOLB6033/1531 EX021086 CO-DALLAS

ZIP CODE 05251

0334 000 004 2DA3334 000

FLAG

MARKET

ADJUSTED

ZONING DIMENSIONS

PRICE

PRICE

ADJUST

UNIT

PRICE

TOTAL VALUE

R 7 5

153331

SQ

0.25

38,333

*** 1992 CERTIFIED VALUES ***

TOTAL IMP VALUE

AGENT/FIRM

TOTAL LAND VALUE

38,330

MARKET VALUE

38,330

DATE OF SALE

PRESS (PF1) SEARCH MENU (PF2) COMMERCIAL MENU (PF3) NEXT SCREEN